

Remarks/Arguments

Reconsideration of the above-identified application in view of the present response is respectfully requested.

Claim Rejections under 35 U.S.C. §102/§103

Claims 7-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,194,661 to Gretz (hereafter "Gretz") and alternatively under 35 U.S.C. §103(a) as being unpatentable over Gretz. These rejections are respectfully traversed.

Claim 7 recites a carrier part for holding cable. A first connecting unit includes a sleeve connected to the carrier part. A second connecting unit includes a guide part connected to the carrier part and a holding part releasably engageable with the guide part for connecting the carrier part to a base. An outer sleeve of the guide part has a guide cavity having a cross section that is longer in the longitudinal direction than in the transverse direction. The longitudinal and transverse directions are orthogonal to one another. The inner sleeve is inserted into the outer sleeve along the transverse direction of the outer sleeve for connecting the carrier part to the base. The inner sleeve is displaceable relative to the outer sleeve in the longitudinal direction when the inner sleeve is engaged with the outer sleeve.

Gretz does not teach or suggest an inner sleeve that is inserted into an outer sleeve along a transverse direction, the inner sleeve being displaceable relative to the outer sleeve in a longitudinal direction that is orthogonal to the insertion direction. The Examiner asserts that the cable retainers 20, 22 and a portion of the inboard end insert 18 constitute the inner sleeve and the outer sleeve, respectively, of the present invention. The retainers 20, 22, however, include spring tabs 52A, B that

engage openings 54A, 54B in the insert 18 in order to lock the retainers to the insert (Col. 4, lines 62 – 66) and thereby restrict withdrawal of the retainers from the insert (Col. 3, lines 34-37 and Fig. 1). Accordingly, Gretz does not teach or suggest that the retainers move relative to the insert in a direction that is orthogonal to the direction along which the retainers are inserted into the insert.

Moreover, the Examiner relies on MPEP §2112.01 in presuming that the cable retainers 20, 22 can inherently be displaced relative to the insert 18 in a direction orthogonal to the insertion direction when the retainers are engaged with the insert. The Applicants disagree with this presumption.

Under the doctrine of inherency, if an element is not expressly disclosed in a prior art reference, the reference will still be deemed to include the missing element if the missing element is “necessarily present” in the item described in the reference.

Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268 (Fed. Cir. 1991).

“Necessarily present” for inherency means more than merely probably or possibly present. Trintec Industries, Inc. v. Top-U.S.A. Corp., 295 F.3d 1292, 1295 (Fed. Cir. 2002).

In the present case, Gretz is silent as to whether the cable retainers 20, 22 can move relative to the insert 18 in a direction orthogonal to the insertion direction once the spring tabs 52A, B engage the openings 54A, 54B of the insert in order to lock the retainers to the insert. In fact, since the spring tabs 52A, B lock the retainers 20, 22 relative to the insert 18 along the insertion direction, it is likely that the spring tabs likewise restrict orthogonal movement by the retainers relative to the insert. In any case, there is no indication that the retainers 20, 22 are necessarily capable of movement relative to the insert 18 in a direction orthogonal to the insertion direction

once the spring tabs 52A, B engage the openings 54A, B. Accordingly, such relative movement between the retainers 20, 22 and the insert 18 is not inherent in Gretz.

Furthermore, Gretz does not teach or suggest a guide part for connecting the carrier part to a base, as recited in claims 7. The Examiner asserts that a portion of the insert 18 and the walls 44 of the housing 12 constitute the guide part and the carrier part, respectively, of the present invention. The insert 18, however, 1) does not connect the housing to a base of any kind and 2) is not capable of connecting the housing to a base. In particular, the insert 18 has no external connections, fastening means or otherwise any structure whatsoever that would enable the insert to connect the housing 12, the retainers 20, 22 or anything else to another object. For these reasons, it is respectfully submitted that claim 7 is patentable over Gretz and is therefore allowable.

Claims 8-13 and 15-16 depend from claim 7 and are allowable for at least the same reasons as claim 7 and for the specific limitations recited therein.

Claim 14 recites that the holding part and guide part cooperate to adapt to positional and dimensional errors in the second connecting unit. Gretz does not teach or suggest this structure. The Examiner relies on MPEP §2112.01 in presuming that the cable retainer 22 and the insert 18 in Gretz are inherently capable of adapting to positional and dimensional errors. According to MPEP §2112.01, however, claimed properties or functions are presumed to be inherent in the reference only when the structure in the reference is substantially identical to that of the claims. As noted, the retainer 22 and the insert 20 of Gretz are not substantially identical to the holding part and the guide part of the present invention.

Accordingly, Gretz is not inherently capable of adapting to positional and dimensional errors.

Regardless, there is no indication whatsoever that any part of the duplex connector 10 of Gretz adapts to positional and dimensional errors, and the Examiner has not pointed to any structure of the connector that purports to do so. For these reasons, it is respectfully submitted that claim 14 is patentable over Gretz and therefore allowable.

Claim 17 recites that a device including a carrier part that defines a cable channel for receiving a cable or tube. The device includes a first connecting unit comprising a sleeve connected to the carrier part and a second carrier connecting unit. The second connecting unit comprises a guide part connected to the carrier part and a holding part releasably engageable with the guide part for connecting the carrier part to the base. The guide part includes an outer sleeve that defines a guide cavity for receiving the holding part. The holding part includes an inner sleeve that includes at least one engagement element that engages at least one engagement element on the outer sleeve for connecting the carrier part to the base and fastening the cable to the carrier part.

As noted, Gretz does not teach or suggest a guide part for connecting a carrier part to a base. Accordingly, Gretz does not teach or suggest a holding part that engages a guide part for connecting the carrier part to the base. For these reasons, it is respectfully submitted that claim 17 is patentable over Gretz and is therefore allowable.

In view of the foregoing, it is submitted that the application is in condition for allowance and allowance is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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